

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMUSEMENT INDUSTRY, INC., a
California corporation dba WESTLAND
INDUSTRIES; PRACTICAL FINANCE CO.,
INC., a California corporation,

Plaintiffs,

v.

MOSES STERN, an individual aka MARK
STERN; JOSHUA SAFRIN, an individual;
FIRST REPUBLIC GROUP REALTY LLC, a
Delaware limited liability company;
EPHRAIM FRENKEL, an individual; LAND
TITLE ASSOCIATES ESCROW, a New York
limited liability company,

Defendants.

07-CV-11586 (UA)

**AFFIDAVIT OF SERVICE OF
SUMMONS AND COMPLAINT UPON
DEFENDANT JOSHUA SAFRIN**

STATE OF NEW JERSEY)
)ss.:
COUNTY OF UNION)

KELVI FRIAS, being duly sworn, hereby deposes and says:

1. I am a process server for Guaranteed Subpoena Service, Inc. I am over 18 years of age and not a party to this litigation. Except where otherwise stated, I have personal knowledge of the facts set forth herein.

2. At approximately 7:45 PM on Friday, December 28, 2007, I attempted to serve a Summons and Complaint in the above-captioned action upon defendant Joshua Safrin ("Safrin") at 50 Riverside Drive, #2A, New York, New York 10024, which previously had been identified to me as Safrin's home address. A doorman at the premises

confirmed that Safrin resided at this address, stated that no one was home in the Safrin residence, and refused to allow me access to the apartment.


3. On Monday, December 31, 2007, I attempted to serve Safrin at his home at approximately 8:15 AM. I returned that evening at 6:45 PM. Both times, the doorman at the premises stated that no one was home in the Safrin residence.

4. At approximately 11:45 AM on Wednesday, January 2, 2007, I again attempted to serve Safrin at his home. This time, the doorman at the premises permitted me to access the building. No one responded when I knocked on the apartment door. Accordingly, I affixed the Summons and Complaint to the door of Safrin's home.

5. On January 3, 2008, I caused copies of the Summons and Complaint herein to be sent via first class mail addressed to Safrin at (i) his actual place of business, The Safrin Group, 230 Park Avenue, Suite 460, The Helmsley Building New York, New York 10169, and (ii) his last known residence, 50 Riverside Drive, #2A, New York, New York 10024. The papers were mailed in a plain, unmarked envelope bearing the label "Personal and Confidential," and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against Safrin.


KELVI FRIAS

Sworn to before me this
~~12~~ day of January, 2008.


Notary Public